

Immigration guide –  
Q&A on relocating  
to Jersey



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At Carey Olsen, we always look at the bigger picture. In the face of opportunities or challenges, our clients know that the advice and guidance they receive from us will be based on a complete understanding of their goals and objectives combined with outstanding client service, technical excellence and commercial insight.

## **BIGGER PICTURE**

Carey Olsen has authored immigration guides for each of the five offshore law jurisdictions we advise on for the Mondaq Immigration comparison guides: Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey and Jersey. These guides include commentary on the legal framework, business travel, work permits, settlement, dependents, intra-company transfers, new hires, sponsorship, trends and predictions and tips and traps.

## Q&A on Jersey

### 1. Legal framework

#### 1.1 Which legislative and regulatory provisions govern corporate immigration in your jurisdiction?

In order to live and work in Jersey, an individual needs to be entitled to reside in Jersey for immigration purposes. The Immigration Acts 1971, 1988 and 1999 of the United Kingdom extend to Jersey.

Jersey is part of the Common Travel Area along with the United Kingdom, the Republic of Ireland, the Isle of Man and the Bailiwick of Guernsey. There are no restrictions on travel for individuals travelling within the Common Travel Area.

Currently, the Committee for Home Affairs is empowered under Jersey laws to make rules in respect of entry and stay in Jersey, these are set out in the Jersey Immigration Rules (the "Immigration Rules").

The Immigration Rules govern immigration in Jersey and have provisions in respect of obtaining visas and leave to enter Jersey as a visitor or other purposes (as outlined under the Immigration Rules). Alongside visa requirements, the Immigration (Work Permits) (Jersey) Rules 1995 require employers to apply for work permits for individuals who need immigration permission to enter or remain in Jersey for work. Certain exemptions apply.

In addition to immigration status the Control of Housing and Work (Jersey) Law 2012 (the "CHWL") requires (subject to certain exemptions) everyone who lives or works in Jersey to hold a Registration card which confirms that they are able to live or work in Jersey and sets out the requirements to register newcomers to Jersey. A persons residential and employment status may be either:

Status	How obtained
Entitled	Someone who has lived in Jersey for a continuous period of 10 years immediately before applying for a card
Licensed	'Essential employee' employed by the States of Jersey or a local business allowed to employ 'licensed' people

Entitled for Work only	Lived here for a continuous period of five years immediately before applying or is the spouse of a suitably qualified individual
Registered	None of the categories above apply (usually if you've been here less than five years, you work seasonally, or you have been away for periods)

Under the CHWL, a person must not carry on a business, trade or activity involving work or services performed for, or offered to members of the public, including a section of the public (defined within the CHWL as an "undertaking") and employ staff unless there is in force a licence or such licences as are appropriate for the operation of the undertaking. An appropriate licence would be (1) a business licence, (2) a hawker's licence, or (3) a non-resident undertaking licence.

Any licence may employ an unlimited number of Entitled/Entitled for Work only persons, however, the undertaking must apply to the Business Licensing Department for permission to employ any Licensed or Registered persons.

Any businesses wishing to obtain work permits for their employees must ensure that they have the relevant business licence permissions in place.

Jersey has two separate housing categories; Qualified and Registered. A person shall not occupy Qualified accommodation unless that person is Entitled or Licensed, or where they reside in the property with the consent of someone who is Entitled or Licensed, has inherited the property or has been given permission by the Chief Minister under Article 17(2) of the CHWL.

Part 18c of the Companies (Jersey) Law 1991 outlines the process of continuance of companies in and out of Jersey.

#### 1.2 Do any special regimes apply in specific sectors?

See section 3 below.

#### 1.3 Which government entities regulate immigration in your jurisdiction? What powers do they have?

The Committee for Home Affairs makes rules and advises the Government of Jersey (the "States") in respect of immigration and population management.

The Jersey Customs and Immigration Service ("JCIS") is responsible for managing and enforcing the immigration rules regulating the entry and stay of individuals and taking deportation action against individuals when required to do so.

The Population Office is the body that deals with registration card applications and the Business Licensing Department deals with business licence applications. Their aim is to enhance the overall effectiveness, efficiency and equity of migration controls in Jersey and to regulate migration within Jersey in terms of who is entitled to live and work in Jersey.

Applications of overseas companies who are migrating to Jersey are dealt with by the Registrar of Companies in Jersey and companies that would be regulated by the Jersey Financial Services Commission (“Commission”) (banks, investment funds or managers, insurance companies and fiduciary companies) on arrival need the consent of the Commission.

#### 1.4 What is the government’s general approach to immigration in your jurisdiction?

The States’ approach to immigration is generally encouraging and facilitative. There is a government body, Locate Jersey, charged with encouraging people to physically relocate or to relocate their businesses to Jersey.

The States does however recognise that due its size, Jersey needs to have the “right” number of people and the population needs to be made up of the right individuals and businesses, who can positively enhance the its economy. What constitutes the “right” level of immigration for Jersey is a matter of some debate. Immigration policies have been a key focus, especially in relation to Brexit, and recent amendments have been made to the type of work permits available (see below).

It is recognised that there is a need to access off-island employees to address manpower shortages, particularly in hospitality and agriculture. However, in order to manage the pressure on the housing stock, the environment and on public services it has been recognised that there is a need to limit immigration and population growth.

## 2. Business travel

### 2.1 Do Business Visitors need a visa to visit your jurisdiction? What restrictions and exemptions apply in this regard?

#### All visitors

Subject to some limited exemptions, generally anyone who is expected to be ordinarily resident in Jersey must apply for a Registration Card under the CHWL within 3 months from the date of their arrival. They are unable to work in work until they obtain a Registration Card.

Under the Immigration Rules, any person who is not – (a) a British citizen, or (b) a Commonwealth citizen with the right of abode, or (c) a person who is entitled to enter or remain in Jersey by virtue of section 3ZA of the Immigration Act 1971, requires leave to enter Jersey. This does not include Irish citizens or those who have EU/EEA/Swiss Citizen Settled or pre-Settled Status in the Island who may freely enter Jersey as if a British citizen.

#### British nationals

There are no routine border immigration controls when travelling within the Common Travel Area. People who are lawfully in the United Kingdom, where most commercial transport links with Jersey lie, may travel freely to the Island.

Most short-term visitors to the Island arrive from the United Kingdom without needing any additional formalities.

Under the Control of Housing and Work (Exemptions) (Jersey) Order 2013 (the “Exemptions Order”), a person is not required to obtain a registration card under the CHWL where, inter alia, that person is in Jersey:

- for an aggregate period of 10 days or less in any period of 12 months for one or more undertakings;
- for an aggregate period of 60 days or less in any period of 12 months for the purposes of that person’s work as one or more of the following –
  - a director or secretary of a company,
  - a partner in a partnership,
  - a member of the council of a foundation,
  - a trustee of an express trust, or
  - a person with equivalent responsibility to any of the foregoing;
- for an aggregate period of 60 days or less in any period of 12 months for the purposes of that person’s work for one or more financial services companies (which is specifically defined under the law), each such company being a member of an international group and for which the person works mainly outside Jersey; or
- as a business visitor for establishment purposes for an aggregate period of 90 days or less in any period of 12 months, being a person who –
  - is working in a senior position in a body, other than a non-profit body, which is responsible for the setting up, in Jersey, of a commercial presence of a relevant service provider;
  - is engaged in activity necessary for the setting up of the commercial presence of that service provider;
  - is not engaged in selling goods or supplying services to the general public;
  - is not engaged in any economic activity other than that necessary for the setting up of the commercial presence;
  - does not receive remuneration from any undertaking in Jersey; and
  - is not directly employed by an undertaking in Jersey.

#### Non-British/Irish nationals

Everyone travelling directly into Jersey from outside of the Common Travel Area will need a valid passport (or for some EU, EEA or Swiss nationals their national identity card).

People who are not a British or Irish national or who have not been granted EU/EEA/Swiss Citizen Settled or pre-Settled Status may need additional immigration clearance to visit Jersey. Such people may seek leave to enter Jersey under the Immigration Rules as a Permitted Paid Engagement Visitor (PPE Visitor) for a maximum of 1 month or would otherwise require a work permit in order to work in Jersey (see section 3 for information re: work permits).

## PPE Visitors

PPE Visitors visas are for experts in their field coming to Jersey to undertake specific paid engagements for up to one month. Such visitors may only undertake activities prescribed under V(J)13.3 of the Immigration Rules.

### 2.2 Do the requirements vary depending on sector or purpose?

See 2.4 below.

### 2.3 What is the maximum stay allowed for Business Visitors?

Under the Exemptions Order, without a Registration Card for between 10 to 90 days.

Under the Immigration Rules, Standard visitors may stay for 6 months. PPE Visitors may only stay for 1 month.

### 2.4 What activities are Business Visitors allowed to conduct while visiting your jurisdiction?

See 2.1 above re exemptions for British Citizens.

Under V(J)13.3 of the Immigration Rules, the following are permitted paid engagements:

- an academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels, and have been invited by a Jersey higher education institution, or a Jersey based research or arts organisation as part of that institution or organisation's assurance processes; and
- an expert coming to give lectures in their subject area, where they have been invited by a Jersey higher education institution, or a Jersey based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and
- an overseas designated pilot examiner coming to assess Jersey based pilots to ensure they meet the national aviation regulatory requirements of other countries, where they have been invited by an approved training organisation based in Jersey that is regulated by Jersey Civil Aviation Authority for that purpose; and
- a qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within Jersey, where they have been invited by a client; and
- a professional artist, entertainer, or musician coming to carry out an activity directly relating to their profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in Jersey; and
- a professional sports person coming to carry out an activity directly relating to their profession, where they have been invited by a sports organisation, agent, or broadcaster based in Jersey.

### 2.5 Is authorisation required for Business Visitors to provide or receive short-term training?

Employees of an overseas company or organisation may receive training from a Jersey based company or organisation in work practices and techniques which are required for the Visitor's employment overseas and not available in their home country.

An employee of an overseas based training company may deliver a short series of training to employees of a Jersey based company, where the trainer is employed by an overseas business contracted to deliver global training to the international corporate group to which Jersey based company belongs.

## 3. Work permits

### 3.1 What are the main types of work permit in your jurisdiction? What restrictions and exemptions apply in this regard?

There are 2 types of work permit; skilled work permits and temporary work permits. Both are outlined in the States' Work Permit Policy, as summarised below.

#### Skilled work permits

These are granted for an initial period of up to 3 years (or 5 years for medical doctors), which can be extended further. The skilled work permit route is limited to the occupations eligible for the skilled work permit employment route are listed in Appendix 1 of the Work Permit Policy.

The following mandatory criteria must be met by the Employer:

- Robust and tested recruitment processes are followed to ensure migrant workers have the appropriate experience or skills to fulfil the work they will undertake
- A genuine vacancy must exist meeting the skills and salary threshold
- The minimum salary threshold of £30,000 must be met or the 'the going rate' whichever is the higher
- The job must be at or above the minimum skill level: RQF 3 or equivalent (A level or equivalent qualification). Migrant workers will not need to hold a formal qualification. It is the skill level of the job that must meet the standard
- The migrant worker must meet the minimum English language requirement
- Migrant workers being employed in Health, Therapy, Social Services and Education must obtain overseas criminal record certificates from every country where the migrant worker has been resident for more than 12 months in the last 10 years
- Employer to ensure that the migrant worker is adequately accommodated meeting the minimum standards required which supports their health and wellbeing

- Jersey Customs and Immigration Services (“JCIS”) must be notified if the migrant worker does not arrive or depart as planned or if employment is terminated early

Exceptions to the skilled worker criteria have been granted for a number of vocations where the minimum salary threshold of £30,000 has not been met. Those categories of workers are listed at Appendix 3 of the Work Permit Policy. Exceptions granted via this route have demonstrated that they are either considered a shortage occupation or significantly benefit the Island.

Other types of skilled work permits also exist, including those relevant to intra-company transfers (discussed below).

### Temporary work permits

There are principally two types of temporary work permits.

Seasonal temporary permits are granted for up to 9 months in the hospitality, construction, agricultural and fishing industries. At the end of the work permit period employees are required to leave the CTA for at least 3 months before they will be allowed to return. For those granted permission to work in this category they are unable to extend beyond 9 months, switch employment into another temporary route or bring dependents to the Island. Time spent in these categories does not lead to settlement.

The following criteria must be met:

- Robust and tested recruitment processes are followed to ensure, as reasonably practicable, only genuine migrant workers are recruited from a hospitality, agriculture, fishing or construction background with appropriate vetting taking place
- A genuine vacancy exists meeting the skills for the role. Roles must not be created to solely facilitate immigration of a specific migrant to Jersey
- Migrant workers must have the necessary experience/ qualifications to be employed within the relevant industry for which they will be employed (not required for agricultural workers)
- Overseas criminal record certificates are obtained from every country where the employee has been resident for more than 1 year in the last 10 years. Any prospective employee who has an adverse criminal history must be referred to JCIS
- Employer must pay the ‘going rate’ for the role
- Employer to ensure that the migrant worker is adequately accommodated meeting the minimum standards required which supports their health and wellbeing
- The JCIS must be notified if the migrant worker does not arrive or depart as planned or if employment is terminated early.

Temporary permits may also be granted to the construction industry (in relation to specific projects) for an initial period of 1 year and are renewable up to a maximum period of 4 years. Work permits will not be extended beyond the completion of the specific project for which the work permit was initially granted. At the end of the work permit period, employees are required to leave the CTA for a period equal to the period of any permission granted or the total of any consecutive permission i.e. if a work permit has been granted for 1 year and not extended the employee must leave the CTA for a period of 1 year; if a work permit is granted for 1 year and extended year on year to a total of 4 years the employee must leave the CTA for a period of 4 years before they will be able to return. The period of absence is to immediately follow the end of the permission.

For all types of work permits, where a role is not covered in the Work Permit Policy, the Minister for Home Affairs will consider applications from any sector where they are unable to recruit from within the Common Travel Area. A business case will be required and should be submitted in the first instance by email to The Head of Service, JCIS.

For work permits issued for 12 months or more, a prospective employee must meet the English language requirement.

### 3.2 What is the maximum stay allowed under each type of work permit? Can this be extended?

Please see above.

Length of stay is linked to the work permit in question but it may be possible to obtain further leave to remain. After 10 years continuous residence in Jersey, individuals will acquire Entitled residency status for CHWL purposes.

### 3.3 What criteria must be satisfied to obtain each kind of permit?

Please see above.

### 3.4 Do any language requirements apply for each kind of permit?

Those prospective employees for all work permits granted for over 1 year (unless relating to nationals of Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, Malta, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, USA) must meet the English language requirement. Such applicants must show that the prospective employee meets one of the following.

They must:

- have passed an English language test on the list of approved English language tests (approved by the Home Office or an English language test provider approved by the JCIS;
- have a degree from one of the countries listed above (except for Canada); or

- have a recognised academic qualification degree that was taught or researched in English in a non-majority English speaking country and can provide their degree certificate and:
  - an Academic Qualification Level Statement (AQUALS) from ECCTIS (UK ENIC) confirming the qualification is equivalent to a Bachelors or Master’s degree or PhD in the UK
  - an English Language Proficiency Statement (ELPS) from ECCTIS (UK ENIC), which will confirm that the degree was taught in English.

Note that the English language requirements do not apply to intra-company transferees or temporary workers for periods of up to 9 months.

### 3.5 Are any work permits subject to quotas?

No.

### 3.6 Do any specific rules apply with regard to the following:

#### (a) Work in specific sectors?

Addressed above.

#### (b) Shortage occupations?

Addressed above.

#### (c) Highly skilled workers?

Addressed above.

#### (d) Investors and high-net worth individuals?

Under the Control Of Housing And Work (Residential And Employment Status) (Jersey) Regulations 2013 (the “Regulations”), a person may apply to the Chief Minister for Entitled status under Regulation 2(1)(e). This status is also known as High Value Residency (“HVR”). The HVR programme is a route to residency for HNWI’s looking to live and/or work in Jersey. It is not a citizenship by investment scheme. HNWI’s who are approved will need UK immigration clearance to be able to live and work in Jersey.

The programme allows the individual to move to Jersey as an Entitled resident which gives access to the housing and work market. Those who are approved are also able to access a specific tax rate of; 20% on the first £725,000 of worldwide income and additional 1% on any worldwide income above this. Any income earned from land and buildings in Jersey, or dividends paid from a company in receipt of Jersey property income, is taxed at 20%.

Where individuals wish to live in Jersey but their nationality is not British or Irish and they do not have EU/EAA/Swiss Settled or pre-Settled Status they may be eligible for as an Investor for a visa.

The requirements to be met by a person seeking leave to enter Jersey as an investor are that he:

- is at least 18 years of age;
- has money of his own wholly under his control and disposable in Jersey amounting to no less than £2 million which he has undertaken to invest on terms which the relevant Minister has determined to be of benefit to Jersey;
- intends to make Jersey his main home;
- is able to maintain and accommodate himself and any dependants without recourse to public funds;
- does not fall for refusal under the general grounds for refusal; and
- holds a valid entry clearance for entry in this capacity.

A person seeking leave to enter Jersey as an investor may be admitted for a period not exceeding 3 years and 4 months, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Separate criteria apply under the regulations which for instance set out annual worldwide income requirements and minimum tax contribution requirements. Only a select number of HNWI consents are granted each year.

### 3.7 What are the formal and documentary requirements for obtaining each kind of permit?

Any work permit application must be completed by someone who is authorised to do so on behalf of the employer and can make payment for the work permit.

The application is made via the online portal on the Jersey Government website. In order to complete and submit this application the following information is required:

- copies of personal details page of applicant passport (and their dependents) and if applicable the page showing their current UK immigration permissions
- knowledge of English language (if applying for more than 12 months)
- copy of the Employer’s business licence
- certificate of qualifications

Some sectors may be required to provide additional information in support of the application.

The prospective employee will need to show their passport on arrival and proof of clearance to enter the Island.

Applications for HNWI or Investor Visas must be made in the applicant’s country of residency and further information is available from Locate Jersey.

### 3.8 What fees are payable to obtain each kind of permit?

The fees payable for each permit are dependent on the length of time the employee will stay in Jersey.

Duration of employee's stay in Jersey	Fee payable
Less than 1 month	£58
1 month and up to 6 months	£85
More than 6 months and up to 9 months	£115
More than 9 months and up to 12 months	£175
More than 1 year and up to 2 years	£290
More than 2 years and up to 3 years	£350
More than 3 years and up to 5 years (applies to medical doctors only)	£580

### 3.9 What is the process for obtaining a permit? How long does this typically take?

The application for a work permit for an individual can only be made by their employer through the online portal. If they are self-employed, then they can make the application themselves.

The processing time is 3 weeks. The Employer must allow enough time for the work permit to be issued and your prospective employee to apply for a visa before the employee travels to Jersey.

Once payment and the application has been completed online, it will automatically be submitted to the JCIS. Payments are non-refundable, even if the application is not successful.

### 3.10 Once a work permit has been obtained, what are the rights and obligations of the permit holder? What are the penalties in case of breach?

Work permits allow the employee the right to live and work in the Island in accordance with the issued permit.

The penalties depend on the type of breach that has occurred. Work permits may be revoked where the individual has committed serious crime, is not working in the role that the work permit was granted for or is not working full time.

Employers can be penalised for employing persons without valid work permits or registration cards.

## 4. Settlement

### 4.1 What are the criteria for obtaining settlement in your jurisdiction? What restrictions apply in this regard?

The CHWL rights and obligations to occupy residential accommodation apply to all persons at all times.

From an immigration perspective British, Irish and EU/EAA/Swiss citizens with Settled or pre-Settled Status may relocate

to Jersey at will. Other nationals will generally require visas until they obtain Indefinite Leave to Remain ("ILR"). ILR may be granted to (amongst others) persons who have been lawfully resident for a continuous period of 5 years in Jersey.

When such persons hold work visas their employers must certify that they are still required for work. They must demonstrate that they have sufficient knowledge of the English language and life in the UK and Jersey. They must not be in Jersey in breach of any immigration laws.

Continuous residence means that individuals have not been outside Jersey, UK, or the Channel Islands for more than 180 days in any 12 month period of the 5 years. There are exceptions for absences as a result of serious illnesses, pregnancy, vocational training or overseas postings for work. However, the absence may not be longer than 12 months otherwise the continuous residence is broken. Continuous residence is also broken by periods of imprisonment.

Before an application for ILR is submitted (unless exempt), individuals aged between 18-64 must take and pass the Citizenship Test to demonstrate that they have sufficient knowledge of the English language and life in the UK and Jersey. The Citizenship test is a 45 minute written test consisting of 24 questions based on the information within the official handbook for the Life in the UK.

Spouses and unmarried partners (which includes partners of the same sex) who arrived before 1 June 2015 may also apply for indefinite leave where they have completed 2 years as the spouse of a person present and settled in Jersey.

### 4.2 Do any specific rules apply to foreign citizens with ancestral connections?

ILR may be granted to individuals on the grounds of UK ancestry where the individual can demonstrate that they meet all of the following requirements:

- they are a Commonwealth citizen;
- they are aged 17 or over;
- they have proof that one of their grandparents was born in the UK or the Channel Islands. The grandparent must either be a blood grandparent or a grandparent by reason of adoption;
- they are able to work and intend to take or seek employment in Jersey;
- they will be able to accommodate themselves and any dependents without recourse to public funds;
- they hold a valid entry clearance;
- they have spent a continuous period of 5 years in Jersey;
- that they have knowledge of the English language and life in the UK/ Jersey (unless they are under 18 or over 65 or otherwise exempt);
- they do not fall under one of the general grounds of refusal; and
- that they are not in Jersey in breach of any immigration laws.



#### 4.3 What are the formal and documentary requirements for obtaining settlement?

The applicant must provide:

- current and previous passport;
- current and previous passports of any dependents applying for indefinite leave to remain on the same application;
- birth certificates of any dependent children applying for indefinite leave to remain on the same application;
- marriage certificate (where applicable);
- evidence that the main applicant has funds to maintain and accommodate themselves and dependents without recourse to public funds;
- evidence that the applicant has suitable accommodation. This should take the form of a tenancy agreement or the deeds to a property;
- evidence that the applicant and adult dependents meet the English language requirements;
- evidence that the applicant and adult dependents have passed the Citizenship test (if applicable);
- other information may be required is support of the application depending on the immigration permissions applied for.

If applying as an unmarried partner then documents showing that they have been in a relationship akin to marriage for at least two years need to be provided i.e. documents such as bank statements showing joint commitments to finances.

#### 4.4 What fees are payable to obtain settlement?

For obtaining indefinite leave to remain, there is a fee of £2,389. If one or more dependents are applying then the fee increases by £2,389 per dependent.

#### 4.5 What is the process for obtaining settlement? How long does this typically take?

The process is the completion of the application form for ILR to remain in Jersey which can be found on Government of Jersey OneGov portal Indefinite leave to remain application - Before you start - one.gov.je. The fee is payable at the time of submitting the application. The PDF form will need to be printed and submitted to JCIS along with passports.

Applications will be processed within 3 weeks of receiving the passport.

#### 4.6 Is the settlement process the same for EU citizens?

Following the UK's departure from the EU on 31 December 2020, individuals from the EU, EEA and Switzerland were required to apply under the EU/EEA/SWISS Settlement Scheme. The Scheme was established in order to protect the rights of citizens of the European Union, European Economic Action area and Switzerland and their families, provided they

arrived on the island before 31 December 2020. The closing date for applications was 30 June 2021 although late applications may be considered where there are compelling reasons for the delay. Applications can be made online via the OneGov portal Jersey EU Settlement Scheme application - Guidance notes - one.gov.je, individuals will need to provide their social security number and passport number and date of expiry, the month and year they arrived, and declare any criminal convictions. They must demonstrate that they have been in Jersey for a continuous period of 5 years. If an individual has been in Jersey for less than five years they may qualify for pre-Settled Status.

## 5. Dependants

#### 5.1 What are the criteria to qualify as a dependant? What restrictions apply in this regard?

Generally spouses and dependants can apply to join their spouse. The criteria that will apply will depend on the nature of the dependant's application and the status of the spouse's entry into Jersey. For individuals holding work permits, if the permit is for longer than 12 months, a spouse can apply to join the individual provided they can demonstrate that they intend to live together permanently as spouses. Both spouses must demonstrate that they can support themselves and any dependants without recourse to public funds. They must have suitable accommodation which is owned or lived in only by them and their household. The applicant must hold valid entry clearance.

Children of individuals who currently live and are lawfully in Jersey can come and live with their parent or someone with parental responsibility if the parent can show that they have adequate accommodation where they can all live without help from public funds. The child must be under 18 and it must demonstrate that they are not leading an independent life, are not married and have not formed an independent family unit.

English language requirements may apply where indefinite leave to remain is sought.

#### 5.2 What rights do dependants enjoy once admitted as such?

The rights of the dependant may vary depending on the nature of the dependant's entry clearance and that of the original applicant. For those granted leave to enter and remain for the purposes of taking up work permit employment, the dependants will be allowed to remain for the same length as the original applicant. Adult work permit dependants will not need a work permit to take up employment in Jersey.

#### 5.3 How are civil/unmarried partners and same-sex partners treated in this regard?

Civil partners are treated the same as married partners.

## 6. Intra-company transfers

### 6.1 Is there a specific regime for the transfer of employees from an overseas branch of a multinational to your jurisdiction?

Work permit applications may be considered for employees from the same organisation outside of Jersey who intend to be temporarily transferred (secondment) provided the following requirements are met:

- The intra-company transferee must have been working for the same company outside of Jersey for at least 12 months directly prior to the transfer
- The company in Jersey and the company outside of Jersey must be linked by common ownership and control
- The employment must require company-specific knowledge to undertake project work or for career development purposes
- The intra-company transferee cannot move into other work permit employment in Jersey
- The intra-company transferee will resume employment for the same company outside of Jersey at the end of the transfer period
- The intra-company transferee cannot return to Jersey in this capacity unless there has been an absence of at least 12 months
- The intra-company transferee is exempt from the English language requirement

### 6.2 What is the maximum stay allowed under this regime? Can this be extended?

The maximum period for which a work permit can be applied for on the basis of an intra-company transfer is 3 years, including any extension.

### 6.3 What criteria must the employer satisfy to obtain a permit under this regime?

Please see above.

### 6.4 What are the formal and documentary requirements to obtain a permit under this regime?

Only an employer based in Jersey can apply for a work permit by completing the Work Permit Application Form, in the same way that any other work permit would be applied for.

### 6.5 What fees are payable to obtain a permit under this regime?

See work permit fees above.

### 6.6 What is the process for obtaining a permit? How long does this typically take?

See work permit process above.

## 7. New hires

### 7.1 Are employers in your jurisdiction bound by labour market testing requirements before hiring from overseas? Do any exemptions apply in this regard?

Yes. Where employers are applying for work permits or additional Registered / Licensed permissions under their business licence they must evidence that they have advertised the job in the most appropriate method to reach individuals with Entitled/Entitled for Work status.

There are limited circumstances in which the advertising requirements may be waived but compelling evidence would need to be submitted with any relevant application.

### 7.2 If labour market testing requirements apply, how are these satisfied and what best practices should employers follow in this regard?

Employers must advertise the job in the most appropriate medium that provides the optimum chances to reach suitably qualified Entitled/Entitled for Work workers.

The employer may advertise the job by registering with the local job centre or recruitment agency or advertising on the internet, local newspapers and professional or trade journals. Any advertisements must include the job title, the main duties of the job and the qualification and experience needed.

Employers must submit evidence of their recruitment efforts along with their application for the additional Registered or Licenced permissions, this can be demonstrated through submitting the responses to the advertising the employer has received, the total number of people who responded, any individuals who were short listed for an interview and full reasons as to why locally qualified workers were unsuitable.

### 7.3 Which work permits are primarily used for new hires? What is the process for obtaining them and what fees are applicable, for both employer and employee?

See section 3 above.

### 7.4 Is labour market testing required if the new hire is to extend his or her residence?

N/A

### 7.5 Can new hires apply for permanent residence?

New hires may apply for ILR where they have held a work permit and have been resident in Jersey under a work permit for more than 5 years (unless they have been holding an Intra Company Transfer work permit) or they otherwise meet the criteria for applying for ILR.

## 8. Sponsorship

### 8.1 Are any licences or authorisations required to sponsor foreign nationals? What other criteria apply in this regard?

See work permit requirements above.

### 8.2 What obligations do sponsoring employers have to ensure continued immigration compliance?

See work permit requirements above and note that any employer recruiting an employee on the basis of a work permit must ensure compliance with the Work Permit Policy.

### 8.3 Are sponsoring employers subject to any local training requirements?

N/A

### 8.4 How is compliance with the sponsorship regime monitored? What are the penalties for non-compliance?

N/A

## 9. Trends and predictions

### 9.1 How would you describe the current immigration landscape and prevailing trends in your jurisdiction? Are any new developments anticipated in the next 12 months, including any proposed legislative reforms?

In the aftermath of Brexit, there have been labour shortages in some sectors in Jersey, most notably in the hospitality and agriculture industries, which has been further compounded by the Covid-19 pandemic. Whereas when the UK was part of the EU many workers came from Europe employers are now looking further afield to recruit staff.

In 2019, the Migration Policy Development Board ("MPDB") was established to develop comprehensive migration policy proposals to deliver more responsive controls over who could come to live, work and access public services in Jersey, to improve consistency wherever practical and helping to reduce the Island's reliance on inward migration. The Final Report was published on 6 March 2020 and the MPBD was dissolved. In October 2020, the Government announced the proposed Migration Control Policy, which was anticipated to form part of a wider immigration and population policy. The proposal was accepted and the new Work Permit Policy was implemented, as per the above.

Following recent debate in relation to the Common Population Policy (p.116-2021.pdf (gov.je)) detailed legislation is currently being finalised to amend the CHWL following the adoption of the Migration Control Policy. The new legislation will "allow for significant flexibility to align with changes to common population policy over time, will establish new review and advisory bodies and will introduce a number of new CHWL statuses" (see page 59 of the Common Population Policy). The framework legislation has now been adopted but the secondary legislation is not yet drafted (it is expected to be released in late 2022). The new legislation will (amongst other things) remove the automatic right for individuals to gain permanent residency where they have been employed in Jersey for 10 years or more and introduce a system of shorter residency permits aimed at introducing more reactive controls on migration.

## 10. Tips and traps

### 10.1 What are your top tips for businesses seeking to recruit talent from abroad and what potential sticking points would you highlight?

Employers seeking to recruit talent from abroad need to ensure that all applications for work permits and business licences are submitted on time as well as the correct fee to avoid late penalty fees and make the transition for their employees as seamless as possible.

The correct documents must be provided with the applications to avoid delays with the application process.

When recruiting for roles employers will need to ensure that they have advertised the role appropriately to reach Entitled workers and submit any evidence in relation to this with the application for the work permit.

## About Carey Olsen

Carey Olsen is a leading offshore law firm advising on the laws of Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey and Jersey from a network of nine international offices.

We provide legal services in relation to all aspects of corporate and finance, trusts and private wealth, investment funds, insolvency, restructuring and dispute resolution.

Our clients include global financial institutions, investment funds, private equity and real estate houses, multinational corporations, public organisations, sovereign wealth funds, high net worth individuals, family offices, directors, trustees and private clients.

We work with leading onshore legal advisers on international transactions and cases involving our jurisdictions.

In the face of opportunities and challenges, our clients know that the advice and guidance they receive from us will be based on a complete understanding of their goals and objectives combined with consistently high levels of client service, technical excellence and commercial insight.

## Jersey immigration services

We can advise you on the relocation process for you and your family, your assets, investments and your business interests offshore. We have the local knowledge and transactional experience to assist you with all aspects of your relocation, including advice on immigration and residency options; assistance in compiling information and documentation required by local authorities; advice on the relocation of assets and investments, estate and succession planning; as well as assistance with property purchases and leasing arrangements.

In addition to our comprehensive guidance on the immigration process our lawyers can also introduce you to key contacts in the relocation and private wealth sectors. Our services include:

- / Relocation and immigration
- / Residential and commercial property
- / Manager relocation
- / Trusts and estate planning
- / Wills and inheritance
- / Corporate law
- / Regulatory
- / Family office
- / Foundations and philanthropy
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The Mondaq Comparative Guides are part of a series of publications that provide an overview of some of the key points of law and practice on multiple topics and allow readers to compare regulatory environments and laws across multiple jurisdictions. Carey Olsen has provided the Immigration guides for Bermuda, the British Virgin Islands, Cayman Islands, Guernsey and Jersey.



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**PLEASE NOTE**

Carey Olsen Jersey LLP is registered as a limited liability partnership in Jersey with registered number 80.

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